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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No.96-10
Table of Allotments,	)	RM-8738
FM Broadcast Stations.	)	RM-8799
(Farmersville, Blue Ridge, Bridgeport,	)	RM-8800
Eastland, Flower Mound, Greenville,	)	RM-8801
Henderson, Jacksboro, Mineola,	)	
Mt.Enterprise, Sherman and Tatum, Texas;	)	
and Ada, Ardmore and Comanche,	)	
Oklahoma)	)	

**Memorandum Opinion and Order  
(Proceeding Terminated)**

**Adopted:** August 6, 1997

**Released:** August 15, 1997

By the Chief, Policy and Rules Division:

1. The Commission has before it a Petition for Reconsideration filed by Gleiser Communications, Inc. ("Gleiser Communications"), directed to the Report and Order in this proceeding. 62 FR 4660, published January 31, 1997. Thereafter, Gleiser Communications filed a Request to Withdraw Petition for Reconsideration and Hunt Broadcasting Company, Inc. ("Hunt Broadcasting") filed Supplemental Comments. For the reasons below, we dismiss the Petition for Reconsideration.<sup>1</sup>

**Background**

2. In the Report and Order, we took nine separate actions affecting authorizations and/or allotments in fifteen communities in Texas and Oklahoma. Included in those actions was the allotment of Channel 221A to Farmersville, Texas. Gleiser Communications, licensee of Station KDOK, Channel 221C3, Tyler, Texas, filed its Petition for Reconsideration directed against the Channel 221A allotment at Farmersville. The Petition for Reconsideration is premised on the fact that the Channel 221A allotment at Farmersville precludes grant of the Gleiser Communications

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<sup>1</sup>In a separate context, Farmersville Radio Group, Gleiser Communications, Hunt Broadcasting, and Cowboy Broadcasting, L.L.C. filed a Joint Emergency Motion for Stay of Filing Window with respect to the filing window for the Channel 221 A allotment at Farmersville. Galen O. Gilbert filed an Opposition to Joint Emergency Motion for Stay of Filing Window. This Motion was filed in order to permit resolution of the Gleiser Communications Petition for Reconsideration before accepting applications for the Channel 221A allotment. In view of our action dismissing the Petition for Reconsideration, we will also dismiss the Joint Emergency Motion for Stay of Filing Window as moot.

application to upgrade Station KDOK to specify operation on Channel 221C2 (File No. BPH-960625IB).

3. On March 27, 1997, Gleiser Communications filed a Request to Withdraw Petition for Reconsideration. As required by Section 1.420(j) of the Rules, Gleiser Communications and Hunt Broadcasting have filed copies of the written agreement looking toward the withdrawal of the Petition for Reconsideration. In this situation, reimbursement to Gleiser Communications is limited to its reasonable and prudent expenses in participating in this proceeding. In this connection, the agreement specifically stated that "in all other respects" the parties will be responsible for their own expenses. See Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes, 5 FCC Rcd 3911 (1990), recon. denied, 6 FCC Rcd 3380 (1991). In a Joint Supplement filed by Hunt Broadcasting and Gleiser Communications, the parties filed affidavits stating that Gleiser Communications is not being paid for the dismissal of a conflicting application at Tyler, Texas. We will dismiss the Petition for Reconsideration.

4. The Report and Order also substituted Channel 257A for Channel 244A at Ada, Oklahoma, and modified the license of Station KADA to specify operation on Channel 257A. In this regard, American Family Radio had filed an application for a new noncommercial educational station at Ada on Channel 204C2 (File No. BPED-960404MB). That application conflicted with the Channel 257A allotment at Ada. Subsequently, American Family Radio amended its application to propose an alternate transmitter site which removed the short-spacing. In its Supplemental Comments, Hunt Broadcasting and American Family Radio submitted affidavits pursuant to Section 1.420(j) of the Rules in which reimbursement to American Family Radio was limited to the reasonable and prudent costs of amending its application to specify a new transmitter site.

5. We are also taking this opportunity to clarify our earlier action regarding Station KDDQ, Comanche, Oklahoma. As indicated in paragraph 15 of the Report and Order, a Station KDDQ operation on either Channel 245C2 or Channel 244A precludes an operation on Channel 244C at Flower Mound. Therefore, it was necessary to modify the Station KDDQ license to specify operation on Channel 246A. To this end, Hunt Broadcasting entered into an agreement with Harold Cochran of Station KDDQ agreeing to reimburse him for the reasonable costs and expenses of changing the channel. However, Comanche Radio filed Comments in this proceeding in which it claims to be the licensee of Station KDDQ. Subsequently, Hunt Broadcasting entered into an agreement with Comanche Radio agreeing to pay to Comanche Radio its reasonable costs and expenses of changing the channel in the event it is ultimately determined that Comanche Radio is the licensee of Station KDDQ. Hunt Broadcasting specifically stated that it did not and will not pay Comanche Radio for withdrawing its Comments in this proceeding. Hunt Broadcasting along with Comanche Radio and Harold Cochran filed separate Joint Supplements in which all parties filed affidavits stating that reimbursement is being limited to the costs necessary to effectuate operation on Channel 264A at Comanche and that no payment is being made for not pursuing any Class C2 operation.

6. Accordingly, IT IS ORDERED, That the aforementioned Petition for Reconsideration filed by Gleiser Communications, Inc. IS DISMISSED.

7. IT IS FURTHER ORDERED, That the aforementioned Joint Emergency Motion for Stay of Filing Window filed by Farmersville Radio Group, Gleiser Communications, Inc., Hunt Broadcasting, Inc. and Cowboy Broadcasting, L.L.C. IS DISMISSED.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

**FEDERAL COMMUNICATIONS COMMISSION**

- Douglas W. Webbink, Chief  
- Policy and Rules Division  
Mass Media Bureau